APPENDIX 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Case No. 02-73504

[Dated January 14, 2003]

DAVIDSON MOMAH,	)
	)
Plaintiff,	)
	)
v.	)
	)
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	)
	)
Defendant.	)
	)

MOTION FOR SUMMARY JUDGMENT

BEFORE THE HONORABLE
ANNA DIGGS TAYLOR
United States District Judge
858 US Courthouse & Federal Building
231 Lafayette Boulevard West
Detroit, Michigan
Monday, January 14, 2003

APPEARANCES:

RICKIE E. IBE
29201 Telegraph Road
Southfield, MI 48034
On behalf of the Plaintiff.

PETER A. CAPLAN
United States Attorneys Office
211 West Fort Street
Detroit, MI 48226
On behalf of the Defendant.

LORI KLINE:
On behalf of the EEOC.

REPORTED STENOGRAPHICALLY BY:
CAROL S. SAPALA, RPR-CM

* * *

[p. 6]

Motion for Summary Judgment

Mr. Momah's complaint, the most prevalent claim that he has is that he was denied a reassignment to the city of his choice. And by way of background and this is all taken from the complaint.

THE COURT: Wait a moment.

Are you moving to dismiss all of his allegations under Title VII?

MS. KLINE: No, no, no. Our motion was for partial dismissal of certain claims.

THE COURT: Certain allegation which are part of claims?

MS. KLINE: Exactly.

THE COURT: All right. Go ahead.

MS. KLINE: And although we believe the gravamen of this compliant and how it all started was Mr. Momah's contention that he was unfairly denied his transfer request to other — lateral transfer request to other cities and based on Mr. Momah's recount in his complaint his emploiyment history.

He states that he began his work in the Detroit district office that by his own volition, he applied for and accepted a transfer to the Memphis District Office, which he subsequently went to Memphis, and, I guess, in the process, I think he can confirm in the complaint he left his family behind in Detroit.

* * *

APPENDIX 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Case No. 02-73504

[Dated April 25, 2003]

DAVIDSON MOMAH,

Plaintiff,

-vs-

CARI M. DOMINGUEZ, CHAIR, UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION and UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Defendants.

The deposition of ANDREW J. SHEPPARD taken before me, Sheila D. Rice, CSR-4163, a Notary Public within and for the County of Wayne (acting in Oakland), State of Michigan, at 29201 Telegraph Road, Suite 510, Southfield, Michigan, on Friday, April 25, 2003.

APPEARANCES:

RICKIE E. IBE, P.C.
29201 Telegraph Road, Suite 510
Southfield, Michigan 48034-7648
(By Rickie E. Ibe, Esq.),

Appearing on behalf of the Plaintiff.

UNITED STATES ATTORNEYS OFFICE
211 West Fort Street, Suite 2001
Detroit, Michigan 48226-3211
(By Peter A. Caplan, Esq.),

Appearing on behalf of the Defendants.

* * *

[p. 16]

A: As I said, I remember Jim was coming in about the time I think that Davidson was leaving, around that time. So I couldn't dispute it.

Q: Okay. Do you know if anyone ever filed any objections regarding Judge Momah receiving the judgeship position in the Memphis District?

A: None that I'm aware of.

Q: Sir, do you know what a hardship transfer is?

A: Yes.

Q: If you don't mind, sir, could you please tell us what a hardship transfer is?

A: If an employee in a district office has a situation either in their immediate family or some type of personal situation, they can apply for a hardship transfer to a different office. And they apply – you know, they apply for it and if it's possible if there's a position open it's normally approved. Yeah.

Q: And also, sir, could you tell us do you know what a funding of a position would have meant, funding for a position, or a funded position?

A: I'm not a hundred percent sure. A funded position?

Q: Yes. Is there such thing as a funded position, a position that requires funding?

[p. 17]

A: All positions require funding. Some are permanent, some can be temporary positions.

Q: Okay. Does funding of the position, is that something that is used for new positions or for existing positions?

A: I'm not sure how you're using the term. Each office is allowed so many positions. Sometimes we have – we've been given – we were given the authority to hire temporary positions, but if it's a funded position –

In other words, the way we use the term was each office has so many positions. Those are your positions. So if those positions are on your books, you're allowed to fill those positions. The only exception is if there's a freeze on hiring or something like that. If there's a freeze, you can't fill them, but in certain situations they'll lift a freeze if an office has a need.

Q: Okay. In times of hardship, when someone makes a hardship transfer, a request for hardship transfer, and let's assume hypothetically there's a position that is open, does it require funding authorization to fill that hardship transfer request?

A: If the position is there, you can fill it. You're allowed to fill it.

* * *